

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

SEAN WILLIAMS

*Plaintiff*

v.

CITY OF NEW YORK, et. al.

*Defendant*

Civil Action No.

10 CIV 8584

SUMMONS IN A CIVIL ACTION

Judge McMahon

To: (Defendant's name and address)

JAMES GALLAGHER (Shield No. 2358)  
c/o NYPD Narcotics Division  
One Police Plaza - Room 1100  
New York, NY 10038

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LEVENTHAL & KLEIN, LLP  
45 MAIN STREET, SUITE 230  
BROOKLYN, NY 11201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

NOV 12 2010

Date: \_\_\_\_\_

CLERK OF COURT

RUBY J. KRAJICK

*Ruby J. Krajick*

Signature of Clerk or Deputy Clerk

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) JAMES GALLAGHER (Shield # 2358)  
 was received by me on (date) 1/29/11.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other (specify): I served the summons on "John" DeLeon, who is the  
co-worker of James Gallagher on 1/28/11 at 2pm

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 1/31/11

  
 Server's signature  
Anderson Chan Process Server - 1220482  
 Printed name and title

315 Broadway New York NY 10007  
 Server's address

Additional information regarding attempted service, etc: